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DATE: February 1, 2011

TO: Representative Joseph M. McNamara, Chairperson
House Committee on Health, Education and Welfare

Senator Rhoda E. Perry, Chairperson
Senate Committee on Health and Human Services

FROM: Charles Alexandre, PhD, RN
Chief, Health Professions Regulation

SUBJECT: Rhode Island Medical Marijuana Program

The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act was enacted on January 3, 2006. This report is submitted pursuant to section 21-28.6-6(k) of the Act.

The Department of Health implemented the Medical Marijuana Program on April 3, 2006. The first registration cards were issued to qualified patients and their designated caregivers on or about May 1, 2006. 3069 qualified patients and 1948 designated caregivers were registered with the program as of December 30, 2010. To date the Department has revoked one (1) patient registration upon this individual's arrest and arraignment on charges of contributing to the delinquency of a minor, narcotics and weapons charges and one (1) caregiver for possession of marijuana in an amount greater than allowed and three (3) caregiver registrations for possession of marijuana in amounts over the statutory limit.

The Department charges a registration fee for qualified patients and caregivers of \$75 at the time of application. Patients and caregivers who submit satisfactory evidence to the Department of being a recipient of Medicaid, Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) pay a \$10 registration fee. Actual direct personnel and equipment costs for the program totaled \$150,000. Revenue collected for fiscal year 2010 totaled \$171, 410.

Pursuant to Public Law 2009, Chapters 16 and 17, the following revisions were made to the program:

- Mature marijuana plants and seedlings were defined,
- Physicians licensed in Massachusetts and Connecticut were authorized to certify patients for the program,
- Registered patients and caregivers were authorized to give marijuana to another registered patient or caregiver who they are not connected to by the Department's registration process,
- For the purposes of medical care, the use of marijuana was defined as equivalent to the use of any other medication prescribed by a physician,
- Applications for registration were revised to ask patients if they want to be informed of any clinical studies of marijuana's efficacy,
- The Department was authorized to issue a license to compassion centers to distribute marijuana to registered patients.

Pursuant to Public Law 2010, Chapters 110 and 229, applications and supporting information submitted by qualified patients, including information about their primary caregivers and practitioners was made exempt from the provisions of RIGL chapter 38-2 et seq. except to authorized employees of the Department.

The following table depicts the number of registered patients and caregivers as of December 30, 2010.

		Active	Pending	Revoked
Minor Patient	Medicaid/SSI	3	0	0
	Non-Medicaid/SSI	1	0	0
	Total	4	0	0
Adult Patient	Medicaid/SSI	1137	27	1
	Non-Medicaid/SSI	1928	102	0
	Total	3069	129	1
Caregiver	Medicaid/SSI	154	14	3
	Non-Medicaid/SSI	1794	81	0
	Total	1948	95	3

Section 21-28.6-6(d) allows a patient to designate two (2) caregivers to assist with the patient's medical use of marijuana. The caregiver may not have a felony drug conviction. Section 21-28.6-3(6) allows a caregiver to assist a maximum of five patients.

ACTIVE MMP PATIENTS	
Patients with 0 caregivers	1736
Patients with 1 caregiver	735
Patients with 2 caregivers	598
ACTIVE CAREGIVERS	
Caregivers with 1 patient	1642
Caregivers with 2 patients	239
Caregivers with 3 patients	49
Caregivers with 4 patients	15
Caregivers with 5 patients	3

Four hundred forty practitioners have certified patients for the program. A breakdown of qualifying diagnosis, comparing 2006 with 2008, is depicted in the following table. Note that some patients may have more than one diagnosis.

Diagnosis	Count		Percent	
	2008	2010	2008	2010
Cancer or Treatment	85	214	11.95%	5.87%
Glaucoma or Treatment	12	37	1.69%	1.02%
Positive Status for HIV or Treatment	60	97	8.44%	2.66%
AIDS or Treatment	32	38	4.50%	1.04%
Hepatitis C or Treatment	69	209	9.70%	5.74%
Chronic or Debilitating Disease or Condition**	453	1419	63.71%	38.94%
Cachexia/Wasting Syndrome		100		2.74%
Chronic Pain		711		19.51%
Seizures		24		0.66%
Muscle Spasms		585		16.05%
Agitation of Alzheimer's		3		0.08%
Severe Nausea		207		5.68%

**In 2010 the Department began tracking individual medical conditions contained within the definition of “chronic or debilitating disease or condition.”

“Chronic or debilitating disease or conditions” include cachexia or “wasting” syndrome, severe, debilitating, chronic pain, severe nausea, seizures, including, but not limited to, those characteristic of epilepsy, severe persistent muscle spasms, including, but not limited to, those characteristic of multiple sclerosis or Crohn’s disease, or agitation of Alzheimer’s disease.

Since the program's implementation the Department has had several requests for information with respect to the use of marijuana by nursing home residents. The Department has also received inquiries from landlords regarding tenants growing and smoking marijuana in their apartments. In addition, the Department has fielded inquiries from employers with questions about registered patients testing positive for marijuana upon application for employment. Except to prohibit discrimination against individuals registered in the program, the statute and regulations offer no guidance in these matters.

Pursuant to section 21-28.6-6(k) of the Act the Department is unaware of any specific cost to law enforcement agencies or any litigation regarding the implementation of the Act. The United States Food and Drug Administration has not altered its position regarding the use of marijuana for medical purposes; nor has it approved alternative delivery systems for marijuana.

The Department is reviewing applications for compassion center licenses and anticipates issuing up to three (3) licenses in calendar year 2011.

Additional information or questions about the Medical Marijuana Program should be directed to Charles Alexandre, Chief of Health Professions Regulations at (401) 222-2828 or via email to Charles.Alexandre@health.ri.gov.